

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) No.
)
)
v.)
)
)
Real Property located at Residencial) (Judge)
Ruby, 1 Calle Principal #1, Esquina)
Ave., Pedro A. Rivera, La Vega,)
Dominican Republic; and Real)
Property located at Residencial)
Nicolle, Calle La Lila #7, Detras de)
la Ave. Chefito Batista, La Vega,)
Dominican Republic,)
 Defendants.) (Electronically filed)

VERIFIED COMPLAINT OF FORFEITURE

The United States of America, by and through its attorneys,
Peter J. Smith, United States Attorney for the Middle District of
Pennsylvania, and Amy C. Phillips, Assistant U.S. Attorney, files
this Verified Complaint of Forfeiture in rem, respectfully alleging on
information and belief the following in accordance with
Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

1. This is a civil action in rem brought to enforce the provisions of 18 U.S.C. § 981.

2. The Court has venue in this matter pursuant to 28 U.S.C. § 1335, in that the acts or omissions giving rise to the forfeiture occurred in the Middle District of Pennsylvania.

3. This Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1334 and 1335, and 18 U.S.C. § 981.

4. The defendant, in rem, is real property located at Residencial Ruby, 1 Calle Principal#1, Esquina Ave., Pedro A. Rivera, La Vega, Dominican Republic and real property located at Residencial Nicolle, Calle La Lila#7, Detras de la Ave. Chefito Batista, La Vega, Dominican Republic, with all appurtenances, improvements, and attachments thereon, referenced in land records offices in the Dominican Republic, more specifically described as follows:

- a. Real property located at Residencial Ruby, 1 Calle Principal#1, Esquina Ave., Pedro A. Rivera, La Vega, Dominican Republic:

Una extensión superficial de 503.46 metros cuadrados aproximadamente dentro de la Parcela 142-A del Distrito Catastral No. 5, Municipio y Provincia de la Vega, República Dominicana. Propiedad ubicada en el Residencial El Portal I, calle Principal No. 1, casi esquina Avenida Pedro A. Rivera, La Vega, República Dominicana.

Translation:

An area of 503.46 square meters approximately in Lot 142-A, Cadastral District No. 5, La Vega, Dominican Republic. Property located in Residencial El Portal I, calle Principal No. 1, casi esquina Avenida Pedro A. Rivera, La Vega, Dominican Republic.

The record owner of the defendant real property is Arquitectura y Construcciones Cibao, S.A. (Arconcisa) and was purchased by Dickson Ramon Gutierrez on February 15, 2011.

- b. Real property located at Residencial Nicolle, Calle La Lila#7, Detras de la Ave. Chefito Batista, La Vega, Dominican Republic:

Una extensión superficial de 840 metros cuadrados aproximadamente dentro de la Parcela 43, Distrito Catastral 5, Municipio y Provincia La Vega, a nombre de Dickson Ramon Gutierrez Candelario. Constancia anotada en el Libro 0361, Folio 049, Matricula 0300012114. Propiedad de nombre Residencial Nicole ubicada en la calle La Lila, Residencial Gamundy, La Vega, República Dominicana.

Translation:

An area of 840 square meters in Lot 43, Cadastral District 5, La Vega, under the name of Dickson Ramon Gutierrez Candelario. Deed No. 0300012114, Book 0361, Page 049. Property named Residencial Nicole located in La Lila St., Residencial Gamundy, La Vega, Dominican Republic.

The record owner of the defendant real property is Dickson Ramon Gutierrez Candelario.

5. The defendant real property has not been seized, but the offenses occurred within the district and within the jurisdiction of the Court. The United States does not request authority from the Court to seize the defendant real property at this time. The United States will, as provided by 18 U.S.C. § 985(b)(1) and (c)(1):

- a. post notice of this action and a copy of the Complaint on the defendant real property; and
- b. serve notice of this action on the defendant real property owner, and any other person or entity who may claim an interest in the defendant, along with a copy of the Complaint; and
- c. execute a writ of entry for purposes of conducting an inspection and inventory of the real property; and
- d. file the Notice of Complaint of Forfeiture in rem with the appropriate land records offices of the defendant real property's status as a defendant in this in rem action.

6. The United States alleges that the defendant real property is subject to forfeiture to the United States because it constitutes proceeds of, is derived from proceeds traceable to, or was used in any manner or part to commit or facilitate the commission of violations of section 21 U.S.C. §§ 841 and 846; 18 U.S.C. §§ 1956 (h) and 2; and 18 U.S.C. § 371 in violation of 31 U.S.C. § 5324(a)(3).

7. All of the facts alleged in this Verified Complaint are based upon information and belief, the source of which is Timothy J. Carroll, Special Agent, Internal Revenue Service (“IRS”) and Drug Enforcement Administration (“DEA”), resulting from an investigation into the distribution of cocaine and money laundering activities of Dickson Gutierrez, the record owner of the defendant properties, Dennise Camilo Cepeda, his wife, and others conducted by the IRS and DEA.

8. On or about August 2008, DEA initiated an investigation into the drug trafficking activities of Dickson Gutierrez.

9. The investigation jointly undertaken by DEA and IRS revealed that Gutierrez and Camilo Cepeda were engaged in extensive controlled substance violations and laundering illicit

funds to the Dominican Republic, and lacked legitimate employment to generate sufficient funds to purchase and construct the defendant real properties.

10. On or about January 1, 2007 through February 28, 2012, Gutierrez, Camilo Cepeda, and others would obtain cocaine from suppliers in New York, Texas, and elsewhere and transport the cocaine into Pennsylvania, New York and other locations for sale and distribution.

11. On or about January 1, 2008 through February 28, 2012, Gutierrez, Camilo Cepeda, and others laundered proceeds derived from the sale and distribution of the cocaine through a local money transmitter service to the Dominican Republic using nominee names from sources in the Dominican Republic. The laundered proceeds were used to purchase and construct the defendant real properties located in the Dominican Republic.

12. Dickson Gutierrez and Dennise Camilo Cepeda were subsequently charged with and pled guilty to conspiracy to distribute and possess with intent to distribute cocaine and conspiracy to commit money laundering in criminal case number 3:12-CR-299.

13. On April 1, 2013, Dennise Camilo Cepeda signed a Plea Agreement and a Stipulation of Consent to Forfeiture wherein she agreed to the filing of a civil complaint by the United States pursuant to 18 U.S.C. §§ 981(a)(1) and 1956(7)(F), 21 U.S.C. § 881(a), and 31 U.S.C. 5317, settling all forfeitures.

14. On April 8, 2013, Dickson Gutierrez signed a Plea Agreement and a Stipulation of Consent to Forfeiture wherein he agreed to the filing of a civil complaint by the United States pursuant to 18 U.S.C. §§ 981(a)(1) and 1956(7)(F), 21 U.S.C. § 881(a), and 31 U.S.C. 5317, settling all forfeitures.

16. The real property located at Residencial Ruby, 1 Calle Principal#1, Esquina Ave., Pedro A. Rivera, La Vega, Dominican Republic and the real property located at Residencial Nicolle, Calle La Lila#7, Detras de la Ave. Chefito Batista, La Vega, Dominican Republic, was used or intended to be used to facilitate one or more violations of 21 U.S.C. §§ 841 and 846; 18 U.S.C. §§ 1956 (h) and 2; and 18 U.S.C. § 371 in violation of 31 U.S.C. § 5324(a)(3) in that the properties were purchased and constructed using the laundered proceeds from the distribution of cocaine, and/or is an asset

derived from, traceable to, and constituting proceeds obtained directly and indirectly from these offenses.

17. The Internal Revenue Service, the United States Marshals Service, or any duly authorized law enforcement official, shall, as soon as practicable, seize and take custody of the property identified hereinabove as forfeited pursuant to 18 U.S.C. §§ 981(a)(1) and 1956(7)(F), 21 U.S.C. § 881(a), and 31 U.S.C. 5317.

18. The Internal Revenue Service, the United States Marshals Service, or their authorized designees shall dispose of the above properties in accordance with law.

19. Based on the foregoing information, there is probable cause to believe that the defendant property constitutes proceeds of illegal activity, and/or was used or intended to be used to facilitate one or more violations of 21 U.S.C. §§ 841 and 846; 18 U.S.C. §§ 1956 (h) and 2; and 18 U.S.C. § 371 in violation of 31 U.S.C. § 5324(a)(3). As a result of the foregoing, the defendant property is liable to condemnation and to forfeiture to the United States for its use, in accordance with 18 U.S.C. §§ 981(a)(1) and 1956(7)(F), 21 U.S.C. § 881(a), and 31 U.S.C. 5317.

WHEREFORE, the United States of America prays that the Court grant that notice of this action be given to all persons who reasonably appear to be potential claimants of interest in the property; that the defendant property be forfeited and condemned to the United States of America; that the plaintiff be awarded its costs and disbursements in this action and for such other and further relief as this Court deems proper and just.

Respectfully submitted,
Peter J. Smith
United States Attorney

BY: s/ Amy C. Phillips
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Dated: May 10, 2013

VERIFICATION

I, Amy C. Phillips, Assistant United States Attorney, declare under penalty of perjury as provided by 28 U.S.C. § 1746, that the foregoing Complaint of Forfeiture In Rem is based on reports and information furnished by the Internal Revenue Service and everything contained therein is true and correct to the best of my knowledge.

Respectfully submitted,

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Dated: May 10, 2013